



# 1. Introduction

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The City of Seattle (Applicant) has made application to the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (together, the Services) for an Incidental Take Permit (ITP) pursuant to Section 10(a)(1)(B) of the Endangered Species Act (ESA). This ITP, if granted, would allow take of endangered species incidental to otherwise lawful management activities in the Cedar River Municipal Watershed (Watershed). The Watershed is located approximately 30 miles east of the City of Seattle just south of the Interstate 90 corridor. The Applicant has also submitted a proposed Habitat Conservation Plan (HCP) which details a strategy for minimizing and mitigating all such take of endangered species, as required in Section 10(a)(2)(B) of the ESA.

Activities covered by the requested ITP and addressed by the proposed HCP include the following:

- drinking water supply operations
- management of forest resources (timber)
- hydroelectric power generation.

The ESA prohibits “take” of species listed as “endangered” under the statute. ESA implementation regulations prohibit take of species listed as “threatened.” The ESA defines take as, among other things, “harm.” Under ESA implementing regulations, harm may result from habitat modification at a level that inhibits normal species behavioral patterns, including breeding, feeding, and sheltering so as to actually kill or injure wildlife.

The ESA recognizes that some take may occur incidentally during the course of otherwise lawful activities. Incidental take may be permitted under the ESA if certain criteria are satisfied and the incidental take was not the purpose of the otherwise lawful activities. The Services may permit incidental take if the party needing permission (referred to as an Applicant) prepares an HCP meeting content requirements provided in ESA Section 10(a)(2)(A), and submits it along with an application for an ITP. If the proposed HCP is approved according to permit issuance criteria provided in ESA Section 10(a)(2)(B), then the Applicant is issued an ITP.

The Federal action of issuing an ITP has the potential to affect the human environment. The Services' decision of whether to issue the proposed ITP, therefore, is an action subject to review under the National Environmental Policy Act (NEPA). The Services are required to prepare a NEPA review document (Environmental Impact Statement or EIS, or in some cases, an Environmental Assessment or EA), and circulate the entire package (HCP and NEPA document) for public review. In addition to the NEPA requirements, the City's proposed actions are subject to review under the Washington State Environmental Policy Act (SEPA). The City is required to prepare a SEPA review document, a State EIS, and make it available for public review.

This document combines the Services' EA and the City's Final EIS, and is referred to hereafter as an EA/FEIS. Following public review of the proposed HCP and Draft EA/EIS, the Services and the City reviewed any comments received and responded to those comments in writing or in changes to the HCP and EA/EIS, where appropriate. Responses to public comment are documented in a companion report to this EA/FEIS entitled: "Response to Public Comments on the Public Review Draft of the EA/EIS for the Cedar River Watershed Habitat Conservation Plan." Implementation of the HCP, upon approval of the ITP, will be formalized through a legally binding Implementation Agreement (IA).

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The remaining sections of the chapter will discuss:

- the Purpose and Need of Proposed Actions;
- the Plan Objectives;
- the Cedar River Watershed Study Area;
- the Decisions to be Made;
- the Environmental Review Process;
- the Development of the HCP Proposal;
- the Public Review and Scoping Process;
- the Process for Finalizing the HCP and Issuing the ITP; and
- an Overview of the Remaining Chapters.

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## 1.1 Purpose and Need of Proposed Actions

This section describes the purposes and needs associated with the proposed action (granting of an ITP for the Services and making commitments to the proposed HCP through the Implementation Agreement for the Applicant). This section describes the purposes and needs associated with the joint lead agencies' proposal for action. The purposes the City of Seattle seeks to achieve as the permit Applicant are defined within the context of the Applicant's responsibility for providing a reliable high quality drinking water supply to the region, managing the resources of the Cedar River Municipal

Watershed, and generating hydroelectric power. The purposes the Services' seek to achieve are defined within the context of the role of the agencies' regulatory responsibility for ensuring compliance with the ESA.

### **1.1.1 Applicant's Purpose and Need**

Some of the Applicant's management activities in the Cedar River Municipal Watershed might be held to cause the incidental take of listed species. The Applicant has applied for an ITP covering currently listed species such as the northern spotted owl, marbled murrelet, and other species of fish and wildlife covered by the ESA. The Applicant has also requested approval of provisions in an IA which would authorize coverage of subsequently listed species.

The Applicant's purpose and need in preparing the proposed HCP and applying for an ITP is to ensure regulatory certainty for continuing management of the Cedar River Municipal Watershed. Specifically, the Applicant seeks to minimize disruption of its utility activities while appropriately minimizing and mitigating effects on listed species. The proposed HCP also provides a plan for addressing potential effects of watershed management on species that might become listed during the 50-year term of the ITP.

### **1.1.2 The Services' Purpose and Need**

The Services' need for action is to respond to the City of Seattle's request for an ITP by analyzing the potential effects the proposed project would have on the human environment. The Services propose to issue the ITP supported by an HCP which covers species currently listed as endangered or threatened under the ESA, and approve an IA covering currently unlisted species that may become listed during the 50-year term of the proposed permit.

The Services' purposes are: 1) to conserve listed species, their habitat, and other sensitive species while accommodating essential public services performed by the Applicant, such as water supply and timber management; 2) to ensure compliance with the ESA, NEPA, and other applicable Federal laws and regulations; and 3) to complement the provisions of the Northwest Forest Plan as they address late successional dependent species.

An additional need specifically identified by NMFS is to meet ecological goals necessary to conserve anadromous fish and their habitat in western Washington to complement, to the maximum extent practicable, the conservation strategy for Federal lands. These Federal measures are summarily stated in the Aquatic Conservation Strategy Objectives outlined in the President's Forest Plan (U.S. Department of Agriculture [USDA] and the U.S. Department of the Interior [USDI], 1994). These objectives include:

- Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations, and communities are uniquely adapted.
- Maintain and restore spatial and temporal connectivity within and between watersheds. Lateral, longitudinal, and drainage network connections include floodplains, wetlands, upslope areas, headwater tributaries, and intact refugia. These network connections must provide chemically and physically unobstructed routes to areas critical for fulfilling life history requirements for aquatic- and riparian-dependent species.
- Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.
- Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must be within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.
- Maintain and restore the sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.
- Maintain and restore instream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows must be protected.
- Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.
- Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate areas of surface erosion, bank erosion, and channel migration and to supply amounts and distribution of coarse woody debris sufficient to sustain physical complexity and stability.
- Maintain and restore habitat to support well-distributed populations of native plants, invertebrate, and vertebrate riparian-dependent species.

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## 1.2 Plan Objectives

In order to meet the purposes and needs of the Applicant and the federal government, the proposed HCP is intended to enable the Applicant's compliance with the ESA by minimizing and mitigating the effects of incidental take of currently listed species associated with habitats in the Cedar

River Municipal Watershed. Additionally, the proposed HCP seeks to cover and conserve habitats of currently unlisted species that may be affected. The specific objectives to be met in achieving these goals are described in the following text.

**Objectives Related to the Endangered Species Act:**

- Meet ESA requirements regarding water supply operations, hydroelectric operations, and land management by the Applicant in the covered area (see Technical Appendix I).
- Meet the legal requirements of ITPs for the species addressed by the HCP that occur or may occur in the permit area.
- Make an appropriate contribution to the conservation of unlisted species covered by the proposed HCP and treat them as if they were listed, with the intent of reducing the likelihood of listing.
- Provide a net benefit, compared to current conditions, for both listed and unlisted species covered by the plan, contributing to the recovery of any species that is now or, in the future, may be listed as threatened or endangered.
- Obtain agreement that no additional commitment of resources would be required of the Applicant should unlisted species covered by the proposed HCP become listed during the term of the HCP.
- Develop scientifically sound conservation strategies for at-risk species and their habitats, and provide adequate monitoring to ensure the proposed HCP is working as intended during its implementation.
- Recognize uncertainty, and develop and implement an HCP that can be adaptive enough to: (1) respond to changes in regulations or conditions, (2) incorporate and make use of the discovery of new scientific information, and (3) address contingencies, yet at the same time provide an improved degree of certainty for purposes of water supply planning.

**Objectives Related to Instream Flows**

- Implement a beneficial instream flow regime, based on the best current scientific information, that will help provide high quality fish habitat throughout the potential range of anadromous fish in the Cedar River from Lake Washington to the natural migration barrier formed by lower Cedar Falls.
- Reduce the risks of stranding juvenile salmonids and dewatering salmonid redds to levels that will help promote the full recovery and persistence of anadromous salmonid populations in the Cedar River.
- Provide an instream flow regime that significantly improves habitat conditions for all four species of anadromous salmonids in the Cedar River over existing conditions.

- Help support measures that will contribute to improving downstream migration conditions for juvenile salmonids at the Ballard Locks.

**Objectives Related to Applicant Public Utility Functions and Constraints:**

- Ensure the ability of the Applicant to provide a reliable water supply of high quality drinking water to local residents, commercial and industrial users, and wholesale water customers in the region and to provide reasonably priced electricity to customers.
- Maintain the existing water supply capacity from the municipal water system, including the Cedar River , as measured by average annual firm yield, and preserve the operational flexibility necessary to water supply operations.
- Develop and implement a program for managing instream flows that is consistent with the City of Seattle Water Shortage Contingency Plan.
- Protect and improve the quality of the raw drinking water supplied from the Applicant's Cedar River Municipal Watershed.
- Preserve flexibility to meet water needs for people and fish that may be identified in the future.
- Develop cost-effective conservation strategies that control overall costs of the proposed HCP, yet accomplish its fundamental purposes.
- Develop and implement an HCP that maintains financial flexibility for funding the proposed HCP and environmental restoration programs without resulting in a significant increase in the water rates of local residents, commercial and industrial users, and wholesale water customers in the region.

**Objectives Related to Prior Applicant Initiatives:**

- Develop and implement an HCP that builds upon existing City of Seattle laws, regulations, policies, and initiatives, including but not limited to: (1) Ordinance #114632, which established specific policies for managing the Cedar River Municipal Watershed (see Technical Appendix 12); (2) Ordinance #115204, which directed negotiation of a comprehensive settlement for the blockage to anadromous fish at Landsburg; and (3) development of a technically sound, multiagency agreement on instream flows based on cooperative studies begun in 1986.
- Pursuant to Ordinance #114632, establish an Ecological Reserve in the Cedar River Municipal Watershed in a manner consistent with existing watershed management policies designed to protect and restore upland, riparian, and aquatic habitats, including protection of all old growth habitat (see Technical Appendix 12).

**Objectives Related to Mitigation for the Fish Blockage at the Landsburg Dam:**

- Allow passage of selected species of anadromous fish upstream of the Landsburg Diversion Dam and water supply intake when possible without jeopardizing the quality of the City's drinking water supply.
- Implement biologically sound, short- and long-term solutions that help provide for the recovery and persistence of healthy, harvestable runs of sockeye, coho, and chinook salmon, and steelhead trout in the Cedar River in a manner that maximizes the reproductive fitness of these fish populations while minimizing genetic, ecological, and demographic risks to wild salmonid populations in the Lake Washington Basin.
- Develop and implement anadromous fish restoration measures that fully mitigate for future impacts of the anadromous fish mitigation barrier created by the Landsburg Diversion Dam.

**Objectives Related to Public and Scientific Concerns about HCPs:**

- Involve the public, scientists, and other agencies in implementation of the proposed HCP, including monitoring of the effectiveness of the proposed HCP.
- Address public concerns about such issues as protection of water quality and aquatic habitats, and contribute to the long-term survival and recovery of at-risk species.
- Use the best scientific information available to develop the proposed HCP, conduct key studies where important information is lacking, and develop conservative strategies where risk is high and where feasible.
- Use scientific and other technical information effectively in developing and implementing the proposed HCP.
- Develop an HCP that provides a net benefit for species covered and contributes to the recovery of threatened or endangered species.
- Provide adequate monitoring based on measurable biological objectives to ensure compliance with the plan; determine effectiveness of mitigation; track trends in habitats and key species populations; verify that the biological goals of the HCP are being met; and provide for flexible, adaptive management of conservation strategies.

**Objectives Related to Sustainable Management:**

- Develop an HCP that supports sustainable management of the Watershed as a source of high quality drinking water and an adequate supply of water for municipal and industrial uses.
- Develop an ecosystem-based HCP that provides for human use of natural resources, particularly water for supply, but sustains natural processes that create and maintain habitats for at-risk species; sustains

small- to moderate-scale disturbances important to a healthy watershed; maintains biological diversity of species and communities; protects native species; and does not reduce the adaptive potential of species.

- Develop an HCP that, as practicable, helps avoid catastrophic events, such as forest fires, that would jeopardize drinking water or uncommon habitats for at-risk species.

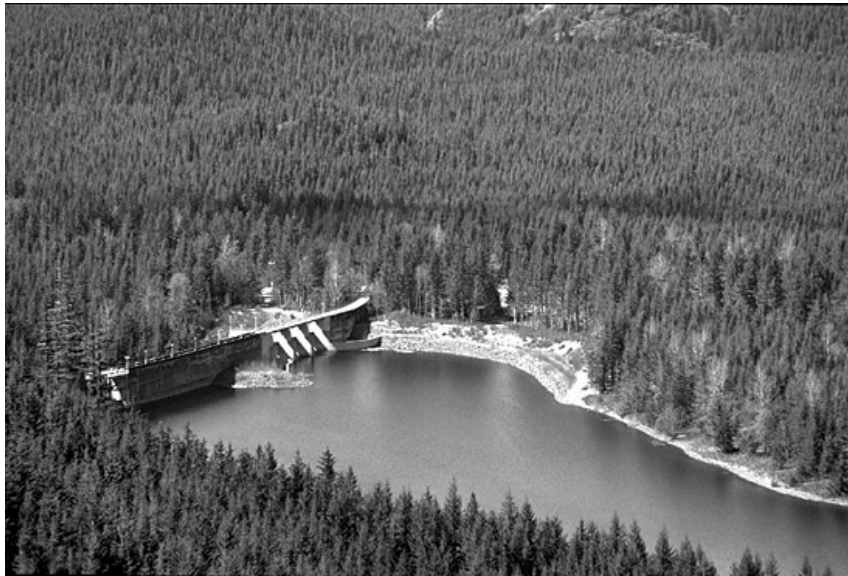
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## 1.3 Cedar River Municipal Watershed Study Area

The Applicant is responsible for managing all human activities on the 90,546 acres of the Cedar River Municipal Watershed. Map 2 shows the general location of the Cedar River Municipal Watershed in relation to the City of Seattle and displays the regional water supply distribution system. Map 1 provides a detailed view of the Watershed. Although formally closed to unsupervised public access since 1917, the Watershed is used for a variety of purposes. In addition to being the source of approximately two-thirds of the water supply for the greater Seattle metropolitan area, the Cedar River Municipal Watershed also provides hydroelectric power for the City. At this time, the facility located at the Cedar Falls Headquarters Office generates approximately 1 percent of the City's electricity supply. The forests of the Watershed have also historically supported a timber harvest program which has been able to generate revenue for a variety of past landowners, including private timber companies, the U.S. Forest Service, and the City of Seattle. Due to the completion of a recent land exchange, the Applicant has completed a long-term acquisition program and is now the Watershed's sole property owner and manager.

The upper Cedar River Municipal Watershed is located in southeast King County along the west slope of the Cascade Mountains with headwaters located near the Cascade crest. Numerous rivers and streams (e.g., Cedar River and Rex River) drain into 1,680-acre Chester Morse Lake. Chester Morse Lake occupies a natural lake basin that was elevated and expanded in 1916 by construction of the Masonry Dam, originally built for the purpose of hydroelectric power generation. The upper Cedar River, the Rex River, and numerous smaller streams drain into Chester Morse Lake which collects and impounds the drainage from the upper municipal watershed. The lake serves as the primary storage site for the City water supply. The Masonry Pool, immediately west of Chester Morse Lake, serves as an additional impoundment.





### **Masonry Dam and Pool**

In addition to the stored water readily available through gravity flow, Chester Morse Lake contains significant amounts of high quality water held below the level of its natural outlet. Some of this water was tapped during the 1987-1988 drought by using temporary pumps mounted on barges anchored near the lake's outlet.

The reservoir levels of Chester Morse Lake and the Masonry Pool are controlled by the Masonry Dam and the Overflow Dike. Water is typically passed from the Masonry Dam through penstocks driving two turbine generators at Seattle City Light's powerhouse at Cedar Falls Headquarters complex before being returned to the Cedar River. Under certain conditions, water may actually be released directly from the dam into the mainstem of the Cedar River. As a result, reservoir operations and operation of the hydroelectric facilities can affect instream flows in the Cedar River downstream of the Masonry Dam.

Taylor Creek and several smaller tributaries that enter the Cedar River downstream of the powerhouse augment flows released from the main reservoir. These water sources flow 12 miles down the mainstem Cedar River from Cedar Falls to the Landsburg Diversion Dam. The Landsburg Diversion which was originally constructed in 1901 became a new barrier to upstream migration of anadromous fish. Prior to the construction of the Landsburg Diversion Dam, a series of waterfalls upstream of the hydroelectric plant were (and still remain) natural blockages to fish passage preventing the migration of salmon and steelhead trout into the upper part of the Watershed.



### **Landsburg Diversion Dam**

At Landsburg, water diverted from the Cedar River is screened, disinfected by chlorination, and fluoridated for dental health. Water is then conveyed outside of the Watershed to the Lake Youngs Reservoir through a tunnel connected to a pair of large-diameter pipelines. Any water withdrawn from the Cedar River for drinking water purposes will have an effect on instream flows downstream of Landsburg.

The Lake Youngs Reservoir is located about 7 miles west of Landsburg and was created in 1923 by diking Swan Lake. The Lake Youngs Reservoir serves as a regulating basin for the Cedar River system and is also the site from which water is supplied to the water system. The capacity of Lake Youngs provides temporary storage for approximately 3 weeks worth of the City's service demand for municipal water.



### **Lake Youngs Reservoir**

In general, the lower to intermediate slopes of the Watershed are forested. Higher elevations are composed of talus slopes, rock cliffs, and alpine vegetation.

Significant areas of wetland are found around Walsh Lake, at the Cedar River delta in upper Chester Morse Lake, and along the bottom of an east-west oriented valley about one mile south of upper Chester Morse Lake.

In addition to Chester Morse Lake and Walsh Lake, other significant lakes are Findley Lake in the upper municipal watershed and Rattlesnake Lake located about 2 miles northwest of the Masonry Pool. Findley Lake, which is located in the southeast portion of the upper municipal watershed, has supported a research station through the College of Forest Resources at the University of Washington.

Although surface water flows from Rattlesnake Lake drain into the Snoqualmie River system, the lake is hydrologically connected by sub-surface flows to the Cedar River Municipal Watershed. Under certain conditions, water is able to flow underground to Rattlesnake Lake through a naturally permeable glacial moraine located along the north shore of the Masonry Pool. These subsurface flows can have a direct effect on the water levels of Rattlesnake Lake. Although some of this water that gets “leaked” to Rattlesnake Lake is lost to the Snoqualmie system, most of the water is returned to the Cedar River system downstream of Cedar Falls by subsurface flow.

The Applicant has organized the HCP proposal into three main categories for minimizing and mitigating potential incidental take of listed and unlisted species through City operations in the Watershed. These categories are (1) Watershed Management which includes the creation of an Ecological Reserve, a proposed timber harvest management program on non-Reserve lands, road maintenance, stabilization and decommissioning, strategies for the protection of specific species and habitats, and programs for habitat restoration; (2) Anadromous Fish Mitigation for addressing the blockage of upstream of sockeye salmon, coho salmon, chinook salmon and steelhead trout caused by the Landsburg Diversion Dam; and (3) Instream Flows in the Cedar River as influenced by drinking water withdrawals at Landsburg, operation of the hydroelectric facilities as well as reservoir operations.

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## **1.4 Decisions to be Made**

The FWS, the NMFS, and the Applicant will need to make decisions regarding the proposed HCP for the Cedar River Municipal Watershed. For the Services, the main decision to make is whether the proposed HCP meets the statutory criteria. Seattle's main decision will be whether or not to accept the permit and enter into a legally binding commitment with the federal government to fund and implement the proposed HCP. As discussed below, it is these decisions or "actions" that trigger requirements for environmental review under both NEPA and SEPA.

### **1.4.1 FWS and NMFS Decisions**

The FWS and NMFS will decide whether to issue an ITP and approve the proposed HCP and the associated IA. In reaching their decisions, the Services, after reviewing and responding to public comments, will assess whether the Applicant meets the requirements for permit issuance listed in ESA section 10(a)(1)(B), which are presented below.

### **HCP Required Components**

A complete application package for an ITP includes the completed permit application form, and completed drafts of the proposed HCP (which includes the IA), and NEPA document. Under ESA Section 10(a)(2)(A) and ESA implementing regulations 50 CFR 17.22(b)(1)(iii) and 17.32(b)(1)(C), and 222.22, an HCP must specify the following:

- 1) Impacts likely to result from the proposed taking of one or more federally listed species
- 2) Measures an Applicant will implement to monitor, minimize, and mitigate such impacts; the available funding to undertake these measures; and the procedures to address unforeseen circumstances

- 3) Alternatives to the proposed take that were considered, and the reasons why they are not being utilized
- 4) Additional measures the Services may require as being necessary and appropriate for purposes of the plan.

NMFS regulations (50 CFR 222.22) also require a list of all sources of data used in preparation of the plan.

Receipt of a completed HCP package commences formal application processing by the Services. When the Services determine that the package is complete, the entire package is published for public review and comment. After reviewing and responding to public comments on the proposed HCP and IA, the Services then begin to process the application for its decision on whether to issue an ITP and sign the IA .

### **ITP Issuance Criteria**

To approve an HCP and issue an ITP, the Services must find that:

- 1) The proposed take is incidental to an otherwise lawful activity
- 2) The impacts of the proposed taking would be minimized and mitigated to the maximum extent practicable
- 3) The Applicant ensures that adequate funding will be provided to implement the measures proposed in the HCP
- 4) The proposed take will not appreciably reduce the likelihood of survival and recovery of the species in the wild
- 5) Any other measures required as being necessary or appropriate for the purposes of the plan will be met,
- 6) Other necessary assurances have been made that the plan will be implemented.

After reviewing and responding to public comment on the proposed HCP, the Services will complete a document entitled “Statement of Section 10 Findings” (SOF). The SOF will present the Services’ decision on the application and document the rationale underlying the Services’ decision regarding each of the ITP issuance criteria listed above.

### **1.4.2 City of Seattle Decisions**

The components of the proposed HCP are detailed in the separate HCP document, analyzed in this [EA/FEIS](#), and summarized below. [In addition, responses to public comment are documented in a companion report entitled: “Response to Public Comments on the Public Review Draft of the EA/EIS for the Cedar River Watershed Habitat Conservation Plan.”](#) After federal and public review of the proposal, the Seattle City Council will decide whether or

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not to accept the terms of the ITP from the Services and enter into a legally binding agreement for implementing the proposed HCP. In making this decision, the City Council will consider, among other things, the advantage to the City and its residents of obtaining an ITP and implementing the proposed HCP as a means of complying with the ESA. The City Council will consider the benefits of the HCP's proposed plan for watershed management, anadromous and residential fish mitigation, and management of instream flows. These elements are described in detail in the proposed HCP for the Cedar River Municipal Watershed, and summarized under Alternatives WM-2, AFM-2, and IF-2 in Chapter 2 of this EA/EIS.

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## **1.5 Environmental Review**

Federal and state law require formal review of decisions on actions made by governmental agencies that may have significant effects on the environment. Actions by federal agencies, such as the issuance of an ITP by the Services, are subject to NEPA. Actions by state and local governments in Washington are subject to review under the SEPA. In addition, City of Seattle actions are also required to comply with the environmental policies and procedures outlined in Chapter 25.05 of the Municipal Code of Seattle for local implementation of SEPA.

### **1.5.1 The National Environmental Policy Act (NEPA)**

NEPA requires federal agencies making decisions on actions that may have significant effects on elements of the human environment, to disclose the expected effects of the proposed action and consider comment from the public. Public disclosure fulfills dual purposes of educating the public regarding activities of the federal government and ensuring informed decision making on environmental actions by federal officials. NEPA achieves these dual goals by requiring the preparation and publication of an environmental document (in this case an EA) which compares the effects of the proposed action (issuing an ITP) against those effects that might occur under alternatives to the proposed action. NEPA requires that one of the alternatives analyzed be a "No Action" Alternative. The No Action Alternative describes what would occur if the Services did not approve the proposed action. In this EA, the No Action Alternative describes the management of the Cedar River Municipal Watershed that would occur in the absence of implementing the proposed HCP, which is assumed to be application of the present regulatory regime to watershed activities.

NEPA requires that environmental documents be published and made available to the public for review and comment. The Services must consider and respond to public comment that is within the scope of the proposed action before proceeding with decision making. The Services may either respond to comments in writing or make changes to the environmental document, where

appropriate. In certain instances, responding to public comment may require the Services to consider new information not considered in the published environmental document.

Ultimately, NEPA requires the Services to consider whether the effects of a proposed action are significant. If the Services conclude that effects are not significant, or that mitigation provided in the proposed action appropriately addresses potentially significant effects, then the Services prepare another decision document entitled “Finding of No Significant Impact” (FONSI). If the Services have prepared an EA, and they are unable to conclude that a FONSI can be prepared, the Services must prepare an EIS.

### **1.5.2 SEPA and Chapter 25.05 of the Seattle Municipal Code of Seattle**

The Washington State Environmental Policy Act (SEPA) sets forth requirements for state and local government actions that are similar to those of NEPA for federal actions. These include an analysis of environmental impacts of the proposal and consideration of reasonable alternatives along with a public disclosure and comment process. Under SEPA, the lead agency for this HCP is the City of Seattle. Chapter 25.05 of the Municipal Code of Seattle, Environmental Policies and Procedures, spells out local processes for meeting SEPA requirements. Acceptance of the ITP from the federal government and signing the IA constitute the local government actions under SEPA. As lead agency, the City of Seattle has determined that the preparation of an EIS is the appropriate mechanism for meeting requirements for environmental review pursuant to SEPA. It is the City’s intent to comply with SEPA through preparation of a Draft EIS; a thorough public review effort, including a public hearing as required by Chapter 25.05 of the Seattle Municipal Code; and a final EIS.

### **1.5.3 Coordination of NEPA and SEPA**

There is significant overlap between NEPA and SEPA. Fortunately, both acts allow state agencies and local governments to jointly prepare one environmental review document and conduct one public review process. In fulfillment of NEPA requirements (40 C.F.R. 1500-1508) this document will represent an environmental assessment and under SEPA rules (WAC 197-11) the document will fulfill the requirements for an environmental impact statement. Federal NEPA regulations state that “[f]ederal, [s]tate, or local agencies, including at least one federal agency, may act as joint lead agencies” to prepare required environmental review documents (40 CFR 1501.5 (b)). SEPA rules also allow for the combination of documents where appropriate to comply with both SEPA and NEPA as specified in Washington Administrative Code (WAC) 197-11-640. As a result, the FWS, the NMFS, and the City of Seattle have agreed to serve as joint lead agencies to prepare one environmental review document to fully evaluate the proposed HCP for the

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**Deleted:** The Applicant conducted an intensive outreach program to keep the public informed about HCP developments and to get feedback on the proposals under consideration. Prior to the signing of the AIP on March 14, 1997, over 50 presentations were given to stakeholders, including the region's wholesale water purveyors and public interests groups, such as those representing environmental, recreation, and sportfishing concerns. Several tours of the Watershed were also held with many of these groups to provide a firsthand look at the issues being addressed by the proposed HCP. In addition, several mailings were sent to over 500 local residents in order to periodically keep interested citizens up to date on HCP proposal progress.¶

Additional meetings were held with many different governmental agencies not directly involved in the negotiations. Other outreach activities included a series of "roundtable" discussions held by City Councilmember Margaret Pageler to discuss HCP options with leaders of local interest groups. In order to get peer and scientific review of approaches under consideration, SPU also held workshops on specific issues, including bull trout and conservation biology (see Appendix 14 for a list of dates and participant for these workshops).¶

#### **<#>Elements of the Scoping Process¶**

After the release of the AIP, Applicant and the Services conducted a joint scoping process to satisfy both federal and state requirements for public involvement in the preparation of the Draft EA/EIS.

Elements of the scoping process for this EA/EIS included providing notice to the public of the proposed action, providing information to the public regarding the proposed action, and conducting formal meetings. At the meetings, the Applicant and the Services took oral and written comments.¶

The formal Notice of Intent (NOI) to prepare a (SEPA) EIS and Request for Comments on the Scope of the EA/EIS was prepared and a summary of the notice was published in the State SEPA Register on May 15, 1997. The NOI informed the public that the Services and the Applicant sought to gather public input for the preparation of the EA/EIS. The NOI briefly described the project background, issues, and applicable regulations. The NOI also announced three public scoping meetings, inviting agencies, affected tribes, and members of the public to comment on the EA/EIS before June 30, 1997. Finally, the NOI designated a project contact for anyone seeking further information.¶

The Applicant distributed a scoping mailer to more than 850 individuals on the project mailing list consisting of a version of the NOI plus supplemental information and a scoping comment form. A series of legal notices and advertisements were published in regional and local newspapers to providing notice of the scheduled public scoping meetings. The following newspapers published advertisements or legal notices: *Seattle Daily Journal of Commerce* (May 16), *Seattle Times/Post Intelligencer* (week of May 19), *Snoqualmie Valley Record* (May 22), *Renton Reporter* (May 22), *South County Journal/Eastside Journal* (May 20), and *Voice of the Valley* (week of May 16).¶

A copy of the AIP for the proposed Cedar River Municipal Watershed HCP dated March 14, 1997 was distributed to all King County and City of Seattle libraries prior to the scoping period. This document provided members of the public access to key background information concerning the proposed HCP. Executive summaries of the AIP and additional supplemental information were also available from the Applicant.¶

#### **<#>Scoping Meetings¶**

Scoping meetings were held in Issaquah, Seattle, and Renton to receive formal public comment on the EA/EIS. The meetings enabled interested agencies, affected tribes, organizations, and individuals to provide comments on issues that each believed should be addressed in the EA/EIS. These meetings also provided an opportunity to answer questions and to acquire public input on alternatives to the proposed action that could be evaluated. The Issaquah scoping meeting occurred Tuesday, May 27, 1997 fr ... [1]

## 1.6 Development of the HCP Proposal

The City of Seattle (Applicant) decided to pursue the development of an HCP for the Cedar River Municipal Watershed in late 1993 after the submission of the petition for the ESA listing of bull trout, a resident fish that is found in the Chester Morse Lake Reservoir and associated tributaries. The Applicant initiated contact with the FWS and the NMFS in the spring of 1994 to discuss the scope of operations to be addressed by the plan and to identify the process to be used for HCP development. This first meeting began what became several years of negotiation and investigation with several state, federal, and tribal agencies.

The Applicant worked with the FWS, the NMFS, U.S. Army Corps of Engineers (ACOE), Washington Department of Fish and Wildlife (WDFW), and Washington Department of Ecology (WDOE) to develop an *Agreement in Principle for the Cedar River Habitat Conservation Plan* (AIP) signed by the City and the above agencies and released on March 14, 1997 (City of Seattle, 1997). The Muckleshoot Indian Tribe was also party to these negotiations, although the Tribe has not signed the AIP at the time of the publication of this Draft EA/EIS. The AIP is not itself a formal Habitat Conservation Plan, but serves as a framework for developing a detailed HCP proposal and the accompanying legal documents.

## 1.7 Public Involvement and the Scoping Process

The Applicant has conducted an intensive outreach program to keep the public informed about HCP developments and to get feedback on the proposals under consideration. Prior to the signing of the AIP on March 14, 1997, over 50 presentations were given to stakeholders, including the region's wholesale water purveyors and public interests groups, such as those representing environmental, recreation, and sportfishing concerns. Several tours of the Watershed were also held with many of these groups to provide a firsthand look at the issues being addressed by the proposed HCP. In addition, several mailings were sent to over 500 local residents in order to periodically keep interested citizens up to date on HCP proposal progress.

Additional meetings were held with many different governmental agencies not directly involved in the negotiations. Other outreach activities included a series of "roundtable" discussions held by City Councilmember Margaret



Pageler to discuss HCP options with leaders of local interest groups. In order to get peer and scientific review of approaches under consideration, SPU also held workshops on specific issues, including bull trout and conservation biology (see Technical Appendix 14 for a list of dates and participants for these workshops).

### **1.7.1 The Scoping Process**

After the release of the AIP, Applicant and the Services conducted a joint scoping process to satisfy both federal and state requirements for public involvement in the preparation of the Public Review Draft EA/EIS. Elements of the scoping process for the EA/EIS included providing notice to the public of the proposed action, providing information to the public regarding the proposed action, and conducting formal meetings. At the meetings, the Applicant and the Services took oral and written comments.

The formal Notice of Intent (NOI) to prepare a (SEPA) EIS and Request for Comments on the Scope of the EA/EIS was prepared and a summary of the notice was published in the State SEPA Register on May 15, 1997. The NOI informed the public that the Services and the Applicant sought to gather public input for the preparation of the EA/EIS. The NOI briefly described the project background, issues, and applicable regulations. The NOI also announced three public scoping meetings, inviting agencies, affected Tribes, and members of the public to comment on the EA/EIS before June 30, 1997. Finally, the NOI designated a project contact for anyone seeking further information.

The Applicant distributed a scoping mailer to more than 850 individuals on the project mailing list consisting of a version of the NOI plus supplemental information and a scoping comment form. A series of legal notices and advertisements were published in regional and local newspapers to providing notice of the scheduled public scoping meetings. The following newspapers published advertisements or legal notices: *Seattle Daily Journal of Commerce* (May 16), *Seattle Times/Post Intelligencer* (week of May 19), *Snoqualmie Valley Record* (May 22), *Renton Reporter* (May 22), *South County Journal/Eastside Journal* (May 20), and *Voice of the Valley* (week of May 16).

A copy of the AIP for the proposed Cedar River Municipal Watershed HCP dated March 14, 1997 was distributed to all King County and City of Seattle libraries prior to the scoping period. This document provided members of the public access to key background information concerning the proposed HCP. Executive summaries of the AIP and additional supplemental information were also available from the Applicant.

### **1.7.2 Scoping Meetings**

Scoping meetings were held in Issaquah, Seattle, and Renton to receive formal public comment on the EA/EIS. The meetings enabled interested agencies, affected tribes, organizations, and individuals to provide comments on issues

that each believed should be addressed in the EA/EIS. These meetings also provided an opportunity to answer questions and to acquire public input on alternatives to the proposed action that could be evaluated. The Issaquah scoping meeting occurred Tuesday, May 27, 1997 from 7 p.m. to 10 p.m. at the SAMBICA Country Kitchen Room on 4114 West Lake Sammamish Parkway S.E. The Seattle meeting was held on Wednesday, May 28, 1997 from 7 p.m. to 10 p.m. at the Rotary Education Center at the Woodland Park Zoo on N. 50th Street and Fremont Avenue N. The Renton meeting took place Thursday, May 29, 1997 from 7 p.m. to 10 p.m. at the Renton Community Center on 1715 Maple Valley Highway. The public meetings were scheduled in these three areas to attract comments reflecting a diversity of issues based on differing affected and interested publics.

Upon entering the meeting rooms, participants completed a sign in card with their name, mailing address, and e-mail address. The sign-in card also asked if attendees were planning to offer oral comment at the meeting and if they wanted to be added to the project mailing list. Before the meetings formally began, participants were free to look at a traveling display about the project and project area, and posters about the proposed HCP and EA/EIS timeline and process. Copies of the AIP, project handouts, and literature regarding related projects were available for review. Representatives from the City and the Services were available to answer questions.

Meetings were facilitated by Jim Freeman, Senior Watershed Planner with the Cedar Falls headquarters office of Seattle Public Utilities (SPU). Mr. Freeman greeted the attendees and introduced the agencies and staff involved in the HCP. Mr. Freeman provided the attendees with a summary overview of the project. Jim Erckmann, representative for the Applicant and Project Manager for preparation of the proposed HCP presented a slide show on the proposal. Mr. Freeman then described the public involvement process and described the commentary that the City and Services sought through these early meetings. The project timeline was explained and then public questions were answered by Services and City team members. Finally, individuals were invited to provide formal public comment. A court reporter recorded formal public comments, and questions and answers from each public meeting. Transcripts of these meetings were made available for review by appointment. Issues raised during questions and answers are considered along with formal comments in deriving the list of issues and alternatives to be considered.

The Issaquah meeting on May 27 was attended by 11 study team members and 11 members of the public. The Seattle meeting on May 28 was attended by 15 study team members and 20 members of the public. The Renton meeting on May 29 was attended by 11 study team members and 25 members of the public.

### **1.7.3 Comments Received During Scoping Process**

During the scoping meetings, 32 individuals offered oral testimony. In addition, the Applicant received 72 written comments during the formal scoping period. A complete record of written comments is documented in the Scoping Report produced by SPU in August of 1997 (SPU, 1997a).

Potential environmental impacts and related issues suggested for analysis through the scoping process include:

- Geology and Soils
  - Examine the effects of new roadbuilding and use
- Water Quality and Quantity
  - Examine flows and their effects on water supply, fish and fish habitat, and groundwater
  - Examine the effects of timber harvest on water quality
  - Examine effects of spawned-out fish carcasses on water quality
  - Examine effects of purveyor purchases and Seattle-Tacoma Intertie on supply
  - Examine effects of vegetative encroachment on flooding
- Vegetation and Timber
  - Examine effects of timber harvest on riparian areas and residual wood
  - Define all terms used
- Fish and Fish Habitat
  - Examine effects on natural sockeye by employing a hatchery as mitigation
  - Examine effects of the proposed HCP on bull trout, steelhead, coho, chinook
  - Discuss use of hatchery in context of State Wild Salmonid Policy
  - Examine effects of flows on fish and fish habitat
- Wildlife and Habitat
  - Examine effects of the proposed HCP on old growth “habitat”
  - Examine effects of the proposed HCP on habitat connectivity
- Tribal/ Cultural Issues
  - Describe the effects of the proposed HCP on salmon as a tribal resource protected by treaty rights.
  - Explain how expanded diversion of water at Landsburg Dam is consistent with Federal responsibilities to the Tribes (especially the Muckleshoot), including Federal trust responsibilities.
- Land Use
  - Analyze limiting urban development on banks of the Cedar River
- Recreation

- Analyze effects of flows on recreation on the Cedar River
- Economics
  - Analyze effects of logging as a cost of implementation of the proposed HCP (i.e., the cost of reducing sedimentation and other protections of water quality.

Alternatives to the HCP proposal suggested during the scoping process for further evaluation include:

- Watershed Management
  - Include a “no logging” alternative
  - Include a “thinning only” alternative which would phase out logging all together the end of the 50 years
- Fish Mitigation
  - Remove the Landsburg Diversion Dam
  - Restore fish runs to historic population levels
  - Change the Hiram Chittenden locks to enhance passage
  - Change water diversion location to above Cedar Falls
  - Pass all fish species at Landsburg Dam
  - Use hatchery to produce coho, chinook, and steelhead also
  - Utilize flows and other measures to support fish habitat in Walsh Diversion
- Flows and Water Supply
  - Use water conservation (by users) to enable higher annual flows
  - Consider context of regional water supply and increased demands over time to drive elements of Alternatives regarding flows and supply
  - Minimum flows should not equal maximum possible quantities in river and require caps on diversion quantities
  - Consider water supply alternatives (other than Cedar River)
  - Consider flows equaling those provided in WAC 173-508
  - Link (population) growth management to availability of water
- Funding
  - Consider alternatives to timber harvest as sources of funding revenue, including rate increases

#### **1.7.4 Release of Draft Documents for Public Review**

After the Scoping Process was completed, the City of Seattle prepared “Public Review Drafts” of the HCP and the EA/EIS with review and input from the Services. These documents, along with a supplemental set of Technical Appendices and a collection of Resource Maps, were released for public review on December 10, 1998. This date marked the beginning of a 78-day public comment period which was extended through March 1, 1999. Elements

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of the public comment period for the EA/EIS included distribution of the documents for public review, notifying the public that the documents were available, holding four informational workshops on the program, and holding two formal public hearings. Written comments on the HCP and the EA/EIS were accepted throughout the public comment period while oral testimony was recorded during the public hearings.

As soon as they were available, full sets documents were distributed to members of the public and local libraries. These sets included the following five reports: 1) the Public Review Draft of the Cedar River Watershed Habitat Conservation Plan; 2) Public Review Draft of the Environmental Assessment/Environmental Impact Statement for the Cedar River Watershed Habitat Conservation Plan; 3) Technical Appendices; 4) Resource Maps; and 5) Executive Summary of the Cedar River Watershed Habitat Conservation Plan and EA/EIS. Approximately 300 sets of these documents went out to governmental agencies, public interest groups and individual citizens upon request. In addition, copies were also sent out to 67 local libraries including, all King County, all City of Seattle, and selected University of Washington libraries. In addition to the full sets of HCP documents, libraries were also sent: copies of the Scoping report discussed above; copies of the technical reports prepared as part of the Watershed Assessment program discussed in the HCP; and also proceedings from the technical workshops held during HCP development.

The formal Notice of Availability (NOA) of the EA/EIS document and request for public comments was prepared. A summary of the notice was published in the State SEPA Register on December 10, 1998. Notice was also published in the Federal Register on December 11, 1998. NOAs were also mailed to over 1,000 individuals on the HCP mailing list maintained by the City of Seattle. The NOA informed the public that the Services and the Applicant sought to gather public input for the preparation of the EA/EIS. The NOA briefly described the project background, issues, and applicable regulations. The NOA also announced two public hearings, inviting agencies, affected tribes, and members of the public to comment on the EA/EIS before the end of the public comment period which was extended through March 1, 1999. Finally, the NOA designated a project contact for anyone seeking further information.

A series of legal notices and advertisements were published in regional and local newspapers to providing notice of availability of the documents and for advertising the formal public hearings. The following newspapers published advertisements or legal notices the week of December 10, 1998: *Seattle Daily Journal of Commerce*, *Seattle Times/Post Intelligencer*, *Snoqualmie Valley Record*, *Renton Reporter*, *South County Journal/Eastside Journal*, and *Voice of the Valley*.

### **1.7.5 Public Workshops and Public Hearings**

Four public workshops and two public hearing were held during the public comment period. The main purpose of the public workshops was to present background information on the HCP program and the EA/EIS. The workshops were also used to provide an opportunity for the Muckelshoot Indian Tribe and local interest groups to discuss different elements of the HCP proposal in a public forum and take questions from the audience. The two public hearings were held for the specific purpose of recording oral testimony on the EA/EIS and Draft HCP.

Approximately 1,000 people attended the public workshops which were held at the following times, dates and locations:

January 5, 1999 (Tuesday evening)

CARCO Theater, Renton

1717 Maple Valley Highway

Program: 7:00 - 9:30 PM

Open House: 6:00 - 7:00 PM

January 9, 1999 (Saturday morning)

Bellevue Community College Theater

3000 Landerholm Circle SE, Bellevue

Program: 9:30 AM to 12 noon

Open House: 8:30 - 9:30 AM

January 12, 1999 (Tuesday evening)

Brockey Student Center, Room A

South Seattle Comm. College, Seattle

Program: 7:00 - 9:30 PM

Open House: 6:00 - 7:00 PM

January 14, 1999 (Thursday evening)

Kane Hall, Room 220

University of Washington, Seattle

Program: 7:00 - 9:30 PM

Open House: 6:00 - 7:00 PM

The two public hearings were held at the following dates, times and locations:

Wednesday January 20, 1999

7:00 to 10:00 P..M.

Education Center  
Woodland Park Zoo  
700 N. 50<sup>th</sup>  
Seattle, WA 98103

Saturday January 23, 1999  
10:00 A.M. to 1:00 P.M.  
CARCO/Renton Community Center  
1715 Maple Valley Hwy  
Renton, WA 98055

### **1.7.6 Comments received on the EA/EIS**

Comments on the Draft EA/EIS were received during public hearings and as written submittals (either letters or e-mails). Forty-eight people spoke at the Seattle hearing and 30 people spoke at the Renton hearing. Comments at these hearings were recorded by a court reporter and transcripts were prepared.

With respect to written comments, approximately 280 letters and e-mails were received. These included comments from federal, state, and county agencies, cities, the Muckleshoot Indian Tribe, various interest groups, and the general public. The comments received ranged from detailed scientific comments, to expressions of opinion on various issues, to comments that were essentially votes on different alternatives. These comments and responses from the City of Seattle and the Services are documented in the companion report entitled: "Response to Public Comments on the Public Review Draft of the EA/EIS for the Cedar River Watershed Habitat Conservation Plan."

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## **1.8 Process for Finalizing the Proposed HCP and Issuing the ITP**

Release of this EA/FEIS and the proposed Draft HCP for the Cedar River Municipal Watershed represents an important milestone. The next phases in the process will include review of the proposed program by the Seattle City Council who will decide what conservation measures to include in the final HCP based on public comment. Once these local decisions have been made, the City will revise the Public Review Draft of the HCP to produce a final document. The City will then submit the Final HCP along with the EA/FEIS, Technical Appendices, and the Resource Map Document as the City's Incidental Take Permit Application to the Services for their review and approval.

After receiving the City's application package for the Incidental Take Permit, the Services will either issue a "Finding of No Significant Impact" (FONSI), or the Services will determine that the HCP proposal will have significant impact on the environment. If a FONSI is issued, then this EA/FEIS will have fulfilled the requirements under both NEPA and SEPA. If on the other hand, the Services determine that the proposed HCP will have significant impact, then the EA/FEIS will need to be revised to fulfill the requirements for an EIS prepared under NEPA.

After completion of NEPA requirements, the Services will prepare a signature package that will include the relevant environmental documents, the Services' Biological Opinion on the HCP proposal, a legally binding agreement for implementing the proposed HCP to be signed by the Services and the Applicant, and the ITP. After these documents have been issued, a waiting period of 7 days must take place before any party signs the IA. After this waiting period, the City Council will decide whether or not to pass an ordinance authorizing the City to accept the terms of the IA and receive the ITP. A flow chart summarizing this process is presented in Figure 1-1.

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## 1.9 Overview of the Remaining Chapters

Chapter 2 of this Draft EA/EIS provides a succinct description of the Applicant's proposal as detailed in the accompanying document, the *Draft Habitat Conservation Plan for the Cedar River Municipal Watershed*. Reasonable alternatives to this proposal will also be described and compared. Chapter 3 will provide a broad overview of the environment potentially affected by the proposal. Chapter 4 will provide a detailed analysis and comparison of the environmental consequences of all of the alternatives receiving full consideration.



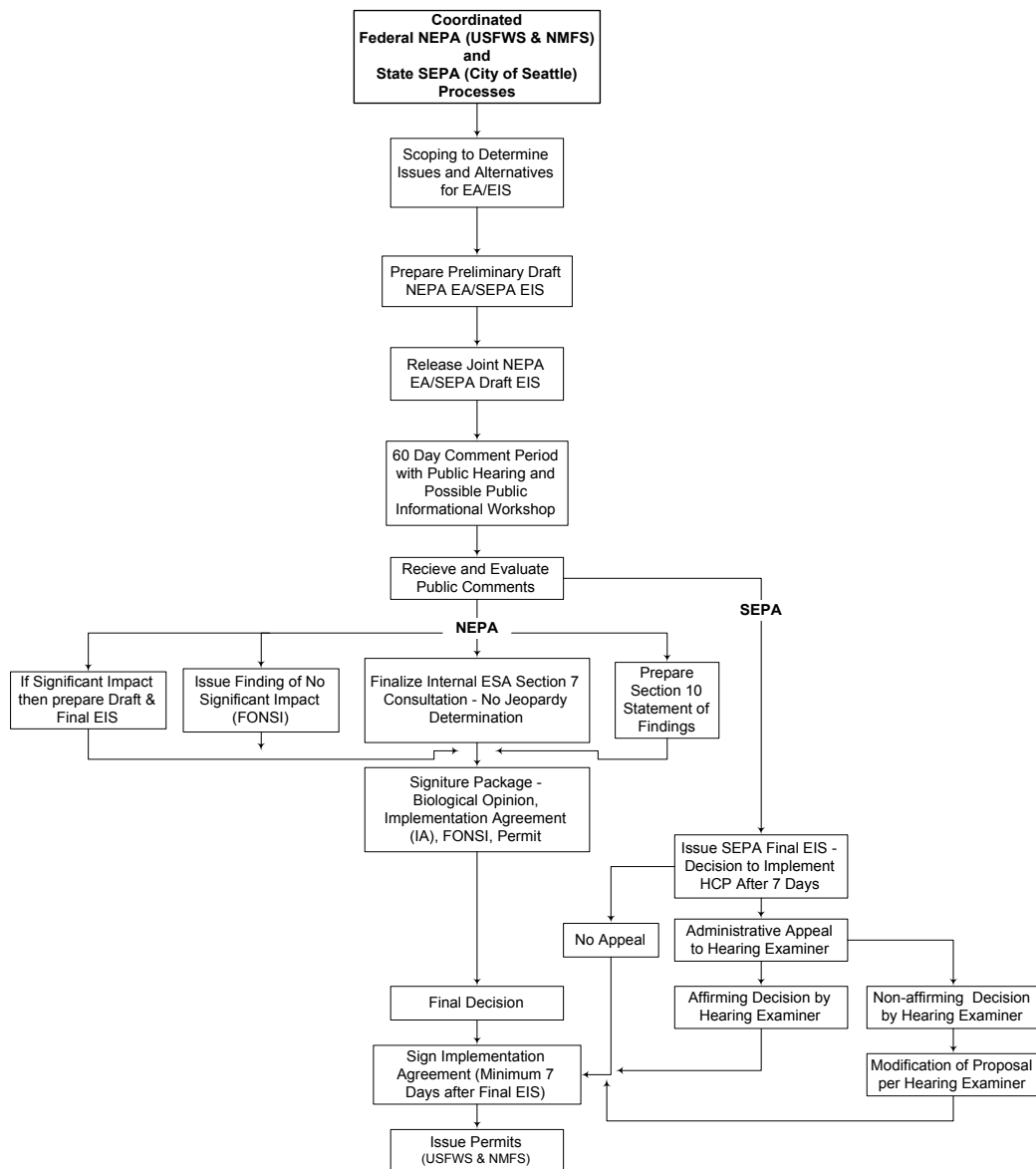


Figure 1-1. Coordinated NEPA and SEPA processes assuming submittal and approval of an HCP and signing of an Implementation Agreement

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### **Elements of the Scoping Process**

After the release of the AIP, Applicant and the Services conducted a joint scoping process to satisfy both federal and state requirements for public involvement in the preparation of the Draft EA/EIS. Elements of the scoping process for this EA/EIS included providing notice to the public of the proposed action, providing information to the public regarding the proposed action, and conducting formal meetings. At the meetings, the Applicant and the Services took oral and written comments.

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## **Scoping Meetings**

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members and 20 members of the public. The Renton meeting on May 29 was attended by 11 study team members and 25 members of the public.

## **Comments Received During Scoping Process**

During the scoping meetings, 32 individuals offered oral testimony. In addition, the Applicant received 72 written comments during the formal scoping period. A complete record of written comments is documented in the Scoping Report produced by SPU in August of 1997 (SPU, 1997a).

Potential environmental impacts and related issues suggested for analysis through the scoping process include:

### **Geology and Soils**

- Examine the effects of new roadbuilding and use

### **Water Quality and Quantity**

- Examine flows and their effects on water supply, fish and fish habitat, and groundwater

- Examine the effects of timber harvest on water quality

- Examine effects of spawned-out fish carcasses on water quality

- Examine effects of purveyor purchases and Seattle-Tacoma Intertie on supply

- Examine effects of vegetative encroachment on flooding

### **Vegetation and Timber**

- Examine effects of timber harvest on riparian areas and residual wood

- Define all terms used

### **Fish and Fish Habitat**

- Examine effects on natural sockeye by employing a hatchery as mitigation

- Examine effects of the proposed HCP on bull trout, steelhead, coho, chinook

- Discuss use of hatchery in context of State Wild Salmonid Policy

- Examine effects of flows on fish and fish habitat

### **Wildlife and Habitat**

- Examine effects of the proposed HCP on old growth “habitat”

- Examine effects of the proposed HCP on habitat connectivity

### **Tribal/ Cultural Issues**

- Describe the effects of the proposed HCP on salmon as a tribal resource protected by treaty rights.

- Explain how expanded diversion of water at Landsburg Dam is consistent with Federal responsibilities to the Tribes (especially the Muckleshoot), including Federal trust responsibilities.

### **Land Use**

- Analyze limiting urban development on banks of the Cedar River

### **Recreation**

- Analyze effects of flows on recreation on the Cedar River

## Economics

Analyze effects of logging as a cost of implementation of the proposed HCP (i.e., the cost of reducing sedimentation and other protections of water quality.

Alternatives to the HCP proposal suggested during the scoping process for further evaluation include:

### Watershed Management

- Include a “no logging” alternative

- Include a “thinning only” alternative which would phase out logging all together the end of the 50 years

### Fish Mitigation

- Remove the Landsburg Diversion Dam

- Restore fish runs to historic population levels

- Change the Hiram Chittenden locks to enhance passage

- Change water diversion location to above Cedar Falls

- Pass all fish species at Landsburg Dam

- Use hatchery to produce coho, chinook, and steelhead also

- Utilize flows and other measures to support fish habitat in Walsh Diversion

### Flows and Water Supply

- Use water conservation (by users) to enable higher annual flows

- Consider context of regional water supply and increased demands over time to drive elements of Alternatives regarding flows and supply

- Minimum flows should not equal maximum possible quantities in river and require caps on diversion quantities

- Consider water supply alternatives (other than Cedar River)

- Consider flows equaling those provided in WAC 173-508

- Link (population) growth management to availability of water

### Funding

- Consider alternatives to timber harvest as sources of funding revenue, including rate increases

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## Process for Finalizing the Proposed HCP and Issuing the ITP

Release of this Draft EA/EIS and the proposed Draft HCP for the Cedar River Municipal Watershed represents an important milestone. The next phases in the process will include a 60-day public comment period. During this time the Applicant will hold several informational public workshops on different topics, including mitigation for the Landsburg blockage, watershed management, instream flows, and the relationship of the proposed HCP to existing secondary use objectives and local financial policies. A formal

public hearing as required under Chapter 25.05 of the Municipal Code of Seattle will also be held during the comment period.

Once the public comment period has closed, the Applicant and the Services will take approximately 60 days to respond to written comments and oral testimony given during the public hearing. In responding to public comment, a final HCP will be prepared. At this time, the Services will either issue a “Finding of No Significant Impact” (FONSI), or the Services will determine that the HCP proposal will have significant impact on the environment. If a FONSI is issued, then this Draft EA/EIS will be revised to fulfill SEPA requirements for publication of a Final EIS. If the Services determine that the proposed HCP will have significant impact, then the Draft EA/EIS will be revised to fulfill the requirements for an EIS prepared under both NEPA and SEPA.

After completion of NEPA and SEPA requirements, the Services will prepare a signature package that will include the relevant environmental documents, the Services’ Biological Opinion on the HCP proposal, a legally binding agreement for implementing the proposed HCP to be signed by the Services and the Applicant, and the ITP. After these documents have been issued, a waiting period of 7 days must take place before any party signs the IA. After this waiting period, the City Council will decide whether or not to pass an ordinance authorizing the City to accept the terms of the IA and receive the ITP. A flow chart summarizing this process is presented in Figure 1-1.